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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,474	01/18/2002	Steven Spicer	T8465681US	7737
26912	7590	07/20/2005	EXAMINER	
GOWLING LAFLEUR HENDERSON LLP COMMERCE COURT WEST, SUITE 4900 TORONTO, ON M5L 1J3 CANADA			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 09/926,474  <b>Examiner</b> John B. Walsh	<b>Applicant(s)</b> SPICER ET AL.	
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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### **Status**

- 1) Responsive to communication(s) filed on 22 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

- 4) Claim(s) 1-6,10-15 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,10-15 and 19-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### **Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____. |
|---|--|

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 10-15 and 19-33 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,092,114 to Shaffer et al.

As concerns claims 1, 10 and 19, a data receiver for receiving a request for transmission of an email attachment (column 1, line 18) to a network terminal over a communications network (column 1, lines 23-27), the email attachment including content and data defining the presentation of the content (column 1, lines 47-50); a data processing system (column 1, lines 23-27, sender) in communication with the data receiver for converting the email attachment into a less memory-intensive data format (attachment converted to text), the data processing system being configured to perform the conversion by extracting the content from the email attachment without the presentation data (extracts content into text); and a data transmitter (sender) in communication with the data processing system for transmitting the extracted content to the network terminal over the communications network without the presentation data (MIME, transmits content without the attachment in its original form).

As concerns claims 2, 11 and 24, the email attachment comprises at least one word having an associated phrase tag, the data processing system is configured to perform the

conversion by replacing each said at least one word with the associated phrase tag (column 1, lines 47-50).

As concerns claims 3, 12 and 21, the email attachment comprises at least one word having an associated abbreviation, and the data processing system is configured to perform the conversion by replacing each said word with the associated abbreviation (column 1, lines 47-50).

As concerns claims 4 and 13, the email attachment includes at least one of text font data and text attribute data, and the data processing system is configured to perform the conversion by extracting the content without the at least one font data and attribute data (column 1, lines 47-50, converts original content into text with its own font and attribute for sending).

As concerns claims 5, 14 and 22, the email attachment includes text formatting data, and the data processing system is configured to perform the conversion by replacing the formatting data with the predefined format tags to reduce a byte length of the content (original content converted to text which will reduce the byte length, when converting a graphic text to plain text).

As concerns claims 6 and 15, the email attachment includes a graphics data (column 1, line 22), and the data processing system is configured to perform the conversion by modifying a resolution of the graphics data (converted to text therefore the resolution of the graphic has been modified).

As concerns claim 20, the email attachment comprises at least one word having an associated phrase tag, and the data processing system is configured to perform the extraction by replacing each said at least one word with the associated phrase tag (column 1, lines 47-50).

As concerns claim 23, extracting the attachment content from the email attachment without the presentation data and transmitting to a network terminal over a communications

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network the extracted content without the presentation data (column 1, lines 47-50, MIME, transmits content without the attachment in its original form); receiving from the network terminal a request for transmission of at least the attachment content to the network resource (column 1, lines 23-27); and initiating transmission of the at least attachment content to the network resource in accordance with an access level defined for the network resource (column 1, lines 8-12).

As concerns claim 25, the email attachment comprises at least one word having an associated abbreviation, and the converting step comprises replacing each said word with the associated abbreviation (column 1, lines 47-50).

As concerns claim 26, the email attachment includes text formatting data and the extracting step comprises replacing the formatting data with predefined format tags to reduce a byte length of the content (original content converted to text which will reduce the byte length, when converting a graphic text to plain text).

As concerns claim 27, wherein the network resource has a network address (inherent for a network device/resource to have a network address), the network resource transmission request includes an indication of the network address (inherent, request needs address of where to send message), the network address indication comprising a pseudo-name associated with the network resource but distinct from the network address (memory location at the sender for the network address of the receiver), and the network resource transmitting step comprises querying a resource registry with the pseudo-name for the access level (column 3, lines 1-20).

As concerns claims 28, 29 and 32, the email attachment includes raster image data, and the data processing system is configured to perform the conversion by converting the image data to text (column 1, lines 47-51).

As concerns claim 30, wherein the network resource has a network address (inherent for a network device/resource to have a network address), the network resource transmission request includes an indication of the network address (inherent, request needs address of where to send message), the network address indication comprising a pseudo-name associated with the network resource (memory location at the sender for the network address of the receiver) but distinct from the network address, and the data processing system is configured to determine the access level by querying a resource registry with the pseudo-name (column 3, lines 1-20).

As concerns claim 31, the email attachment includes at least one of text font data and text attribute data, and the extracting step comprises extracting the content without the at least one font data and attribute data (column 1, lines 47-50; converts original content into text with its own font and attribute for sending).

As concerns claim 33, the email attachment includes graphics data and the extracting step comprises modifying a resolution of the graphics data (converted to text therefore the resolution of the graphic has been modified).

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
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